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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Kashane Kirk, as Personal Representative  
and on behalf of the Estate of Leontae  
Kirk; Sharon Roberts, individually;  
Brittnie Turner, on behalf of and as legal  
guardian and parent of her minor child,  
MC,

Plaintiffs,

vs.

City of Phoenix, a governmental entity;  
Michael Sullivan, Chief of the Phoenix  
Police Department; Autumn Ladines and  
John Doe Ladines, husband and wife;  
Officer Antonio Garza and Jane Doe  
Garza, husband and wife; Sergeant Eric  
Roy and Jane Doe Roy, husband and wife;  
Jaclyn Ravelo and John Doe Ravelo,  
husband and wife; Steven Ramirez and  
Jane Doe Ramirez, husband and wife, and;  
Jonathan Howard and Jane Doe Howard,  
husband and wife,

Defendants.

No.: CV-23-00836-PHX-MTL (CDB)

**PLAINTIFFS' UNOPPOSED  
MOTION FOR LEAVE TO FILE  
THIRD AMENDED COMPLAINT**

(Assigned to the Honorable Michael T.  
Liburdi and referred to the Honorable  
Camille D. Bibles)

Through counsel undersigned and pursuant to Rule 15(a)(2) of the Federal Rules of  
Civil Procedure and Rule 15.1(a) of the Local Rules of Civil Procedure, Plaintiffs  
respectfully move for permission to further amend their operative pleading by filing a Third

1 Amended Complaint – a copy of which, with additions and deletions to Plaintiffs’ Second  
2 Amended Complaint shown, is attached as “**Exhibit 1**” hereto.

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4 As a result of continuing discussions between the parties for the purpose of further  
5 streamlining Plaintiffs’ claims, the [Proposed] Third Amended Complaint accomplishes  
6 the following: (1) dismissal of Plaintiffs’ state law claims as to Defendants Sullivan, Roy,  
7 Garza, Ladines, Ravelo, Ramirez, and Howard; (2) combination of Plaintiffs’ *Monell*  
8 claims into one Count; (3) dismissal of Plaintiffs’ battery claim; (4) removal of some  
9 conclusory language and addition of citations, and; (5) reduction of the total number of  
10 Counts to six. Defendants have indicated to Plaintiffs that they do not oppose Plaintiffs’  
11 request – in their own words, they “don’t oppose [amendment] based on the agreed upon  
12 changes and that [Defendants] are not waiving any objections to the [Third] [A]mended  
13 Complaint based on [Defendants’] anticipated motion to dismiss the failure to intervene  
14 claim and based on Rule 8.”

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17 “The court should freely give leave [to amend] when justice so requires.” Fed. R.  
18 Civ. P. 15(a)(2). Justice so requires here, as these proceedings are still in the early stages  
19 and Defendants, who do not oppose this Motion, will not be prejudiced from amendment  
20 at this time. This Motion is supported by the attached [Proposed] Order.

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